



Driving progress
through partnership

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April 8, 2025

BY ECF

Hon. Nusrat J. Choudhury

United States District Court Judge

United States District Court for the Eastern District of New York

100 Federal Plaza, Courtroom 1040

Central Islip, New York 11722

Re: **Deo, et al v. Baron, et al., Case No. 2:24-cv-06903 (NJC) (JMW) (the “Action”)**

Dear Judge Choudhury:

This law firm represents Ally Financial Inc. (“Ally”) in the Action. We, together with the attorneys for NextGear Capital, Inc. (“NextGear”), respectfully submit this letter to clarify Ally’s and NextGear’s positions as they relate to the February 26, 2025 joint letter filed by the attorneys for Ally, NextGear and Nissan Motor Acceptance Company LLC [ECF No. 69] (the “Financing Defendants Letter”).

Your Honor will recall that the Financing Defendants Letter disclosed to the Court the Supreme Court’s recently issued decision in *Royal Canin U.S.A., Inc. v. Wullschleger*, 220 L. Ed. 2d 289 (2024) consistent with our ethical duties of candor in our dealings with the Court.

The Financing Defendants Letter did not address whether this Court retains subject-matter jurisdiction over this Action pursuant to other legal doctrines, including the mirror image doctrine recently addressed by the declaratory judgment defendants [ECF No. 74], which argument may have merit. Should Your Honor find it helpful, Ally and NextGear can submit a letter to this Court regarding (i) the applicability of the mirror-image doctrine to this Action and (ii) the proposed consolidation of this Action with the RICO action (*Superb Motors Inc. et al v. Deo, et al*, 2:23-cv-6188), and can do so on or before the April 21, 2025, the date that Plaintiffs were directed to file their submission.

Respectfully Submitted,

By: /s/ Perry A. Napolitano

Perry A. Napolitano, Reed Smith LLP attorneys for Ally

By: /s/ Nicholas Gaunce

Nicholas Gaunce, Eckert Seamans Cherin & Mellott LLC, attorneys for NextGear

cc: All Appearing Counsel (by ECF)